

relationships maintained among the elements of the item for subsequent retrieval, editing, recompiling and outputting the file.

Applicant traverses the rejection of claims 4-8, 10-19, 25 and 28 as indefinite under 35 U.S.C. 112, 2d paragraph. The rejection relates to use of the word “substantial” or the word “minimal” in connection with redundancy. The action indicates that the specification does not provide a standard for ascertaining the requisite degree and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. As set forth in the MPEP §2173.05(b), “[A]cceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification”. The specification, at page 29, specifies that objects and relationships are analyzed and compared to objects previously entered into an archive in accordance with user-established rules to minimize redundant objects and object relationship stored in the archive. By eliminating redundancy, storage costs are reduced and a one-too-many editing process can be implemented wherein a singular linked object that is common to many documents or files can be edited once and be used throughout. The specification clearly specifies the desires to eliminate redundancy. However, as should be apparent to one skilled in the art, to completely eliminate all redundancy in the field of the claimed invention is not likely. In such instances, the use of terms such as “substantial” and “minimize” have found acceptance. Indeed, the Court of Appeals for the Federal Circuit in Andrew Corp. v. Gabriel Electronics, 6 USPQ 2d 2010, 2012 (Fed. Cir. 1988), considering the terms “approach each other”, “close to”, “substantially equal” and “closely approximate”, stated that:

The criticized words are ubiquitous in patent claims. Such usages, when serving reasonably to describe the claimed subject matter to those of skill in the field of the invention, and to distinguish the claimed subject matter from the prior art, have been accepted in patent examination and upheld by the courts.

Applicant submits that this standard is satisfied by the claimed invention. Not only do the claims apprise one skilled in the art of the scope of the invention, the claims reasonably described the claimed subject matter to those skilled in the art and distinguish the claimed subject matter from the prior art. As such, the rejection under §112 ought be withdrawn.

Applicant traverses the rejection of claims 1-7, 9-10 and 12-19 as anticipated by Tian et al. U.S. Patent No. 5,671,353.

The Court of Appeals for the Federal Circuit has clearly stated that an anticipation can only be established by a single prior art reference which discloses each and every element of the claimed invention arranged as in the claim. See Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481 (Fed. Cir. 1984).

Independent claim 1 specifies a method of archiving an item comprising presenting the item to a parser; parsing the item into a plurality of multi-part object structures wherein portions of the structures have searchable information tags associated therewith; evaluating the object structures in accordance with object structures previously stored in an archive; presenting an evaluated object structure for manual reconciliation at least where there is a predetermined variance between the object and at least one of a predetermined standard and a user defined rule.

Tian et al. does not disclose or suggest a method of archiving an item. More particularly, it does not disclose presenting an item to a parser. Nor does it disclose parsing the item into a plurality of multi-part object structures. Nor does it disclose evaluating object structures in accordance with object structures previously stored in an archive. Finally, it does not disclose presenting an evaluated object structure for manual reconciliation.

Contrary to the statements made in the action, Tian et al. does not disclose a method of archiving an item. It is not remotely related to archiving. Archiving is the storage of back up files. Tian et al. is not directed to archiving or even to storing. Tian et al. is directed to semantically validating incoming and outgoing messages to ensure that they conform to a standard. Semantically validating messages has nothing to do with archiving.

Particularly, Tian et al. relates to sending and receiving digital medical images to work stations using a DICOM standard. The DICOM standard provides a common format for messages. Tian et al. is directed to verifying that a message to be transmitted conforms to the standard. As described in Tian et al., a DICOM message has various element or modules that should be present. These elements and modules are analyzed based on classes of rules and warnings to semantically validate the messages. This is described throughout the specification and is generally summarized in claim 1 of Tian et al.

Tian et al. does not disclose or suggest parsing of any item. Instead, Tian et al. specifies that the message is comprised of a list of elements and modules. There is no step present to take an existing message and parse it into various parts.

The action references the operational scenarios with respect to evaluating object structures. This evaluation compares pre-set rules with elements and modules in a message. It does not evaluate object structures in accordance with object structures previously stored in an archive. There is no such archive present or contemplated by Tian et al.

Finally, with respect to the claimed step of presenting an evaluated object for manual reconciliation, the action points to col. 10, lines 25-29 of Tian et al. The referenced passage relates to the ability of the developer to correct errors in a message. This is distinct from the claimed invention which allows for manual reconciliation of an evaluated object structure.

The action attempts to take the individual steps in applicant's claim 1 and find similar steps performed in Tian et al. To the extent there might appear to be some similarity with individual steps, they are in fact different. Moreover, the steps in Tian et al. do not function together as in claim 1 herein. Nor would that serve any purpose as Tian et al. is directed to an entirely different objective than the present invention. Because Tian et al. does not disclose each and every element of claim 1, arranged as in the claim, there is no anticipation and the rejection is improper. Moreover, because Tian et al. does not suggest the invention defined by claim 1, any obviousness rejection would also be improper.

Claims 2-7 and 9 depend from claim 1 and are believed allowable for the same reasons therefor.

Independent claim 10 specifies an object, oriented archival system comprising a storage medium, and a set of executable instructions for establishing an archive of documents represented by linked object oriented elements stored in the medium. The archive exhibits

minimal redundancy with at least some elements linked to pluralities of the elements and wherein some of the instructions, in response to a selected editing command, alter at least one element common to and linked to a selected plurality of other elements to thereby effect a one-too-many editing process and additional instructions for compiling an output file, in a selected format.

The action indicates that claim 10 is rejected on substantially the same basis as claim 1. However, there is no detailed explanation as to how each and every element of claim 10, arranged as in the claim, is found in Tian et al. In fact, they are not. As noted above, Tian et al. does not relate to archiving documents. It relates to semantically validating a message. It does not relate to an archive exhibiting minimal redundancy. Nor does it relate to altering at least one element common to and linked to a selected plurality of other elements to affect a one-too-many editing process. Nor does the action reference any such teaching.

Because Tian et al. does not disclose each and every element of claim 10, as arranged as in the claim, there is no anticipation and the rejection is improper. Tian et al. is not remotely related to the invention defined by claim 10. As such, it does not suggest the invention of claim 10. Therefore, any obviousness rejection would also be improper.

Claims 12-19 depend from claim 10 and are believed allowable for the same reasons therefor.

For the above reasons, the rejection of claims 1-7, 9-10 and 12-19 ought be withdrawn.

Applicant traverses the rejection of claims 8, 11 and 20-28 as obvious over Tian et al. in view of Ringness U.S. Patent No. 6,456,395.

Claims 8 and 11 depend from claims 1 and 10, respectively. The deficiencies with respect to Tian et al. and claims 1 and 10 are noted above. Ringness does not disclose or suggest these deficiencies. Therefore, any obviousness rejection of claims 8 and 11 is improper.

Independent claim 20 specifies a method of generating layers corresponding to color separations for a printing process comprising: establishing an archive populated with a plurality of graphically oriented object-type structures wherein a first plurality of the structures represents a first layer, corresponding to a color separation for a multi-color output document, wherein the members of the first plurality are linked to establish element definitions and locations, relative to one another, in the first layer, and, at least a second plurality of the structures wherein the second plurality represents a second layer corresponding to a second color separation for the output document wherein the members of the second plurality are linked to establish element definitions and locations, relative to one another, in the second layer, and, wherein the establishing step includes, analyzing the members of the first and second pluralities for common structures, and storing a representation of only one structure in the event that multiple common structures are detected.

In attempting to boot strap an obviousness argument, the action uses the terminology from the claim (as was done with claim 1, above), to describe the teachings of Tian et al. There is no support for such analysis Tian et al. For example, the action states at page 6, “referring first to claim 20, Tian discloses a method of generating layers corresponding to separations in an object: . . .”. Tian et al. has nothing to do with generating layers corresponding to separations in an object. Indeed, claim 20 relates to generating layers corresponding to color

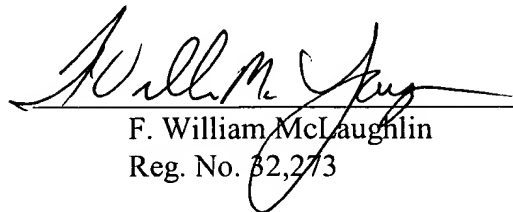
separations for a printing process. This is not even remotely related to semantically validating a DICOM message, as described in Tian et al. Semantically validating a message has nothing to do with generating layers corresponding to color separations for a printing process.

Moreover, contrary to that recited in the action, Tian et al. does not disclose establishing an archive. Tian et al. is not even remotely directed to an archive, as discussed above. Moreover, it does not disclose or suggest structures representing a first layer corresponding to a color separation, and structures representing a second layer corresponding to a second color separation for an output document. Nor does it disclose or suggest analyzing members of the first and second pluralities for common structures and storing a representation of only one structure in the event that multiple common structures are detected. Claim 20 is clearly not obvious over Tian et al. which is not even remotely relevant. The action acknowledges that the structures and layers of Tian et al. do not correspond to color separations for a printing process. In fact, there are no structures and layers even present in Tian et al. Ringness is relied on for use of color separations. Combining the teachings of Ringness which relates to a method of separating colors, with Tian et al., which relates to semantically validating a message, would serve no purpose. Separating colors has nothing to do with validating a message. Therefore, the combination is improper. In any event, the combination would not result in the claimed invention as the deficiencies identified above with respect to Tian et al. are not present in Ringness so that the combination would not result in the claimed invention. For these reasons, claim 20 and its dependent claims 21-28 are not obvious and the rejection is improper and ought be withdrawn.

Reconsideration of the application and allowance and passage to issue are
requested.

Respectfully submitted,

Date: May 16, 2005



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